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Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status, the Women's Human Rights International Association, France Libertes : Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, the International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Protection for Refugees in Camp Liberty in Iraq

Introduction

We are gravely concerned about the plight of over 1900 Iranian refugees currently residing in Camp Liberty-Iraq. They are members of the Iranian opposition movement, the People's Mojahedin Organization of Iran (PMOI). In 2012, they were forcibly relocated from their home in Camp Ashraf to Camp Liberty under pressure from government of Nouri al-Maliki and at the behest of the Iranian government. In the course of their relocation, they were denied of their most fundamental rights including among others the right to property. They were promised that they would be safe in Camp Liberty, they would soon be resettled in third countries and would also be able to liquidate their properties at Camp Ashraf.

After over three years, none of the promises have been met and they have been subjected to four deadly missile attacks, leaving 40 refugees killed and several dozens injured. In addition to the Government of Iraq, the UN and international community, specifically the US Government, also bear responsibility for their present condition.

Given the current volatile situation in Iraq, the influence and presence of paramilitary terrorist groups affiliated with the Iranian Quds Force in Iraq, threats made against the residents by Iranian officials and the lack of resolve or ability on the part of the Government of Iraq to provide security for the residents, it is vital for the international community to take all necessary measures to prevent another humanitarian catastrophe at the Camp.

Background

Since the beginning of 2009, when protection of the residents, then in Camp Ashraf, was transferred to the Iraqi authorities by the US Government, despite strong opposition from NGOs and others, the unarmed residents have been subjected to several deadly attacks:

- 28-29 July 2009 in Camp Ashraf (11 killed and hundreds injured);
- 8 April 2011 in Camp Ashraf (36 killed and hundreds injured);
- 9 February 2013 a missile attack against Camp Liberty left 8 killed and dozens injured;
- 15 June 2013, another missile attack against Camp Liberty left 2 killed and dozens injured;
- 1 September 2013, the 101 asylum-seekers who remained in Camp Ashraf were attacked while the Camp was surrounded by the security forces of the Iraqi Government. 52 were executed, some with their hands being tied behind their backs and seven abducted, six of whom women;
- 26 December 2013 a missile attack against Camp Liberty left four killed and dozens injured, while 18 patients lost their lives due to lack of proper access to medical treatment.

In reaction to those events special procedures mandate holders, the UN High-Commissioner for Human Rights and UN Secretary-General expressed their concern and condemned those heinous attacks. Many have repeatedly called for independent investigations into those attacks. But no action has been taken to investigate these crimes against humanity. Thus it is time for the UN to conduct a thorough investigation and bring those responsible to justice.

The 29 October 2015 rocket attack

On 29 October 2015, Camp Liberty was attacked again with rockets, leaving 24 dead and hundreds wounded while a large section of the camp was destroyed.

Camp Liberty is in a completely protected district in Baghdad near its international airport and close to the deployment of U.S. forces. The site of launch of the missiles, according to Iraqi security forces, was about 3 km from the camp. This area is replete with some of Iraq's most trustworthy security and military forces. To reach this area one needs extensive assistance and influence within Iraq's security and military forces.

Once again, the UN Secretary-General and the UN High Commissioner for Refugees condemned the attack and so did U.S. Secretary of State, the EU High Representative, the UK, French and German governments, leaders of the U.S. House and the Senate, hundreds of parliamentarians from European countries. They called for provision of safety and security for the residents, urged perpetrators of the attack to be identified and held accountable, and advocated speeding up residents' resettlement process.

Despite all these calls, those in charge of this case in the Government of Iraq have failed in providing the minimum protection and security to the residents and to prevent similar attacks or to identify the perpetrators of this brutal assault. On the contrary, following the attack, they ratcheted up the antihuman siege on Camp Liberty for several days.

A deliberated policy

Ever since 2009, Tehran and the Quds Force and their proxies have systematically attempted to assign their fully trusted elements for the protection and management of Camp Ashraf and subsequently Camp Liberty and given them free hand in suppression of residents and their inhumane siege, as well as in surveillance and collecting information on residents.

It is now seven years that Camp Ashraf and subsequently Camp Liberty have been under the severest blockade. According to accurate reports, this blockade that is a blatant violation of international law, as well as the Memorandum of Understanding (MoU), had originally been coordinated between the Iranian authorities and Maliki's government. In the 18 months following Maliki's removal from power, Faleh Fayyadh, who was his security advisor and remains in his post, has been coordinating these suppressive measures and the imposition of restrictions with the Iranian embassy in Baghdad. In these seven years, twenty-seven residents have lost their lives due to this inhumane siege and lack of free access to medical services.

Failures of Government of Iraq

The MoU signed in December 2011 between the Government of Iraq and the United Nations underlined among others that Camp Liberty shall meet the required humanitarian and human rights standards.

Conditions in the camp are such that in 2012, the UN Working Group on Arbitrary Detentions (WGAD) described the situation as an illegal detention in two detailed reports[1]. The WGAD in its document A/HRC/WGAD/2012/16 concluded that: 'The Working Group considers that there is no legal justification for holding the above-mentioned persons and other individuals in Camp Liberty, and that such detention is not in conformity with the standards and principles of international human rights law'.

Right to property

Regarding funding the resettlement, until now, almost all expenses, including costs of transfer, accommodation and living expenses of the residents have been shouldered by the PMOI. This is indeed a rare example in the history of asylum where the expenses are paid by the refugees themselves and their political organization.

PMOI agreed incurring all resettlement costs from the onset subject to selling its properties at Camp Ashraf. Since 2011, prior to relocation from Ashraf to Liberty, SRSG Martin Kobler and US Department of State Special Envoy, Representative Ambassador Dan Fried repeatedly promised PMOI that residents would be allowed to sell their property.

The joint plan by the UN Assistance Mission in Iraq (UNAMI) and the U.S. Embassy for evacuation of Ashraf on September 5, 2013 stipulated: "The GOI shall allow the residents to sell their property at any time" and "The GOI shall safeguard and guarantee all Camp Ashraf property."

According to documents, all the property at Camp Ashraf, moveable and imovable, belong to the PMOI and the residents. The PMOI made an extensive effort to sell the property in 2012. An Anglo-Iraqi company purchased all of the property for $550 million. But the then GOI prevented the implantation of the contract by intimidating the representatives of the company in Baghdad. Residents were not even allowed to take measures for safeguarding the property. To the contrary, Camp Ashraf has not only been occupied by forces affiliated with the Iraqi government, but the locks on its warehouses have been broken and the goods stolen. This is a clear violation of the Residents' right to property and also the failure of UN to protect their rights.

Conclusion and Recommendations

When analyzing the events in Camp Ashraf and Camp Liberty, it appears that:

[1] A/HRC/WGAD/2012/16 and A/HRC/WGAD/2012/32

- The Iraqi authorities failed to fulfill the commitments made by signing the Memorandum of Understanding with the UN;
- There is absolutely no evidence of any investigation by the Government of Iraq into deadly attacks on Camp Ashraf and Camp Liberty since 2009;
- Those attacks occurred despite the high number of Iraqi security forces deployed around Camp Ashraf and Camp Liberty, which seems to substantiate the thesis of a possible implication of those forces into the massacres.
- Furthermore, as stated earlier, the case also reflect a failure on the part of international community and as such requires immediate action by the UN and the relevant governments.

The international community has four fundamental responsibilities with regard to Camp Liberty:

A. Guarantying the resettlement
B. Provision of security and wellbeing of residents until the last resident leaves Iraq
C. Annulling any restriction on the Camp for as long as the residents remain there
D. Conducting an investigation into the seven massacres of residents, especially that of September 1, 2013 in Ashraf and the slaughter of October 29, 2015 in Camp Liberty.